

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK JOSEPH McMAHON and SANDRA
GAGLIARDY McMAHON,

Plaintiffs,

-v-

BJW REALTY LLC,

Defendant.

25-CV-1323 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 13, 2025, Plaintiffs filed a Complaint in which they invoked the Court's subject-matter jurisdiction pursuant to 28 U.S.C. § 1332. *See* ECF No. 1, at ¶ 5. On February 19, 2025, the Court issued an order noting deficiencies in the Complaint and ordering Plaintiffs to file an amended notice on or before February 25, 2025. *See* ECF No. 8. On February 24, 2025, Plaintiffs filed an Amended Complaint. *See* ECF No. 9.

Although Plaintiffs' Amended Complaint cures one deficiency in the original Notice, it still alleges only the residency, not the citizenship, of Plaintiffs. *See* ECF No. 9, at ¶¶ 1-2. As stated in the Court's January 7, 2025 Order, that is not enough. *See Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) ("[A] statement of the parties' residence is insufficient to establish their citizenship").

The Court will give Plaintiffs one last chance to fix the problems with their Complaint. Accordingly, Plaintiffs are hereby ORDERED to file a Second Amended Complaint alleging the citizenship of Plaintiffs on or before **March 4, 2025**. If, by that date, Plaintiffs are unable to amend their Complaint to truthfully allege complete diversity of citizenship, then the action will be dismissed without further notice to either party. Finally, Plaintiffs are directed to, **within two business days** of this Order, serve on Defendants a copy of this Order and to file proof of such service on the docket.

SO ORDERED.

Dated: February 25, 2025
New York, New York



JESSE M. FURMAN
United States District Judge